

Remarks

1. Summary of the Office Action Mailed January 12, 2005

In the Office Action Mailed January 12, 2005, the Examiner stated that claims 1 to 54 are pending, of which claims 1-15, 17-42 and 44-54 are rejected, and claims 16 and 43 are objected to. Claims 11 and 12 were rejected under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Claims 1-10, 12, 15, 17-23 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,784,597 (Chiu) in view of U.S. patent 5,703,877 (Nuber). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of the Great Britain patent GB 2,373,692 A (Orriss). Claims 13, 24 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of U.S. patent 6,721,798 B1 (Kubista). Claims 14, 25 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of the technical paper, "Optical PPM generator by direct-frequency shifting" (Mazzali). Claims 27-37, 39, 42 and 44-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in view of Nuber. Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of Orriss. Finally, claims 50-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of Kubista.

Claims 16 and 43 were objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form, subject to the provided statement of reason for the indication of allowable subject matter provided by the Examiner.

2. Summary of Amendments

Applicant has herein amended dependant claims 11 and 12 and independent claims 1, 18, 27, 50, and 51. After review of the office action and the cited references, Applicant respectfully requests favorable reconsideration in view of the following remarks.

3. Response to the Objection to the Drawings of Section 1

The Examiner objected to the drawings as being informal drawings, but stated that these drawings “are acceptable for examination purposes.” The Examiner stated that formal drawings will be required when the application is allowed. Applicant understands this statement to indicate an abeyance of the requirement for immediate correction of the drawings pursuant to 37 CFR § 1.85(a), and will provide formal drawings to replace the current drawings upon allowance or prior to allowance of the application.

4. Response to the Objection to the Specification of Section 2

Examiner objected to the specification and stated that “[t]he specification has not been checked to the extent necessary to determine the presence of all possible minor errors.” Applicant amended the specification as noted to correct typographical errors.

5. Response to the 35 U.S.C. § 112 Claim Rejections of Sections 3, 4, and 5

Claims 11 and 12 were rejected under 35 U.S.C. § 112 as having insufficient antecedent basis for the claim limitation of “said plurality of multimedia data.” In response, Applicant has amended both claims to read “said plurality of data” and respectfully requests that the Examiner withdraw these objections.

6. Response to the 35 U.S.C. § 103(a) Claim Rejections Regarding Chiu and Nuber

Claims 1-10, 12, 15, 17-23, 26, 27-34, 36-37, 39, 42, 44-46, and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,784,597 (Chiu) in view of U.S. patent 5,703,877 (Nuber). In response, Applicant has amended independent claims 1, 18 and 27.

Independent claims 1, 18, and 27 have been amended to include the recitation “wherein said second frequency band is substantially different from said first frequency band.” Therefore, in claims 1, 18, and 27 the plurality of data (which is transmitted using the first frequency band) and the synchronization information (which is transmitted using the second frequency band) are passed in separate frequency bands.

As disclosed by the Chiu and Nuber references, however, the system to synchronize transmission of a plurality of data between a first source device and a destination device comprises: a source device (transmitter) that “transmits downstream data onto said cable in a first frequency band” (Chiu: col. 4, lines 4-5); a destination device (client station) that “receives data on said first frequency band” (Chiu: col. 4, lines 9-10); and a wherein the destination device “transmits data on a second frequency according to synchronization signals received on said first

frequency band” (Chiu: col. 4, lines 10-12). Additionally, Nuber does not disclose a system in which data and synchronization information are transmitted to a destination device in separate frequency bands. Thus, in the system disclosed by Chiu and Nuber, the data and synchronization information are transmitted to a destination device using the same first frequency band; this aspect runs *contrary* to the use of separate frequency bands in the inventions of claims 1, 18, and 27.

Because the combination of the Chiu and Nuber references does not disclose, teach, or suggest all of the limitations of claim 1, 18, or 27, a *prima facie* case of obviousness is not established. As a result, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejections of claim 1, 18, and 27 as they pertain to Chiu in view of Nuber.

Claims 2-10, 12, 15, and 17 depend from independent claim 1; claims 19-23, and 26 depend from independent claim 18; and claims 28-34, 36-37, 39, 42, 44-46, and 48-49 depend from independent claim 27; wherein the inventions of independent claims 1, 18, and 27 are shown above to be nonobvious with respect to Chiu in view of Nuber. Therefore, Applicant submits that the inventions of claims 2-10, 12, 15, 17, 19-23, 26, 28-34, 36-37, 39, 42, 44-46, and 48-49 are also nonobvious in consideration of Chiu in view of Nuber. (MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejections of claims 2-10, 12, 15, 17, 19-23, 26, 28-34, 36-37, 39, 42, 44-46, and 48-49 as they pertain to Chiu in view of Nuber.

7. Response to the 35 U.S.C. § 103(a) Claim Rejections Regarding Chiu, Nuber, and Orriss

Claims 11 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of the Great Britain patent GB 2,373,692 A (Orriss). Claim 11 depends from claim 10, which in turn depends from claim 1. Claim 38 depends from claim 37, which in turn depends from claim 27. The inventions of claims 11 and 38 are nonobvious in consideration of Chiu in view of Nuber in that the combination of Chiu and Nuber does not disclose all of the aspects of claims 1 and 27, as described above. In addition, Orriss does not disclose a system or method in which data and synchronization information are passed from source devices to a destination device in separate frequency bands. As a result, the combination of these three references (Chiu, Nuber and Orriss) does not teach a system or method in which (i) a plurality of data is transmitted in a first frequency band from a first source device, and (ii) a plurality of synchronization pulses is transmitted in a second frequency band from a second source device, wherein the second frequency band is substantially different from the first frequency band.

Because the combination of the Chiu, Nuber, and Orriss references does not teach or suggest all of the limitations of claim 11 or 38, a *prima facie* case of obviousness is not established. As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejections of claims 11 and 38 as they pertain to Chiu in combination of Nuber and in further view of Orriss.

8. Response to the 35 U.S.C. § 103(a) Claim Rejections Regarding Chiu, Nuber, and Deluca

In Section 8 of the Office Action, the Examiner stated that claims 13, 24 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of U.S. patent 6,721,798 B1 (Kubista). However, further references by the Examiner in Section 8 of the Office Action refer to Deluca et al. Applicant assumes that the references by the Examiner to Deluca et al. are actually references to U.S. patent 5,051,993 (Deluca). Given the nature of the arguments provided by the Examiner in Section 8 of the Office Action, Applicant also assumes that the Examiner intended to reject claims 13, 24 and, 40 under 35 U.S.C. 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of Deluca. Accordingly, the subsequent remarks by Applicant in this section correspond to the above assumptions.

Following the qualifying assumptions above, claims 13, 24, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of Deluca. Claim 13 depends from independent claim 1, claim 24 depends from independent claim 18, and claim 40 depends from independent claim 27. The inventions of claims 13, 24, and 40 are nonobvious in consideration of Chiu in view of Nuber in that the combination of Chiu and Nuber does not disclose all of the aspects of claims 1, 18, and 27, as described above. In addition, Deluca does not disclose a system or method in which data and synchronization information are passed from source devices to a destination device in separate frequency bands. As a result, the combination of these three references (Chiu, Nuber and Deluca) does not teach a system or method in which (i) a plurality of data is transmitted in a first

frequency band from a first source device, and (ii) a plurality of synchronization pulses is transmitted in a second frequency band from a second source device, wherein the second frequency band is substantially different from the first frequency band.

Because the combination of the Chiu, Nuber, and Deluca references does not teach or suggest all of the limitations of claim 13, 24, or 40, a *prima facie* case of obviousness is not established. As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejections of claims 13, 24, and 40 as they pertain to Chiu in combination of Nuber and in further view of Deluca.

9. Response to the 35 U.S.C. § 103(a) Claim Rejections Regarding Chiu, Nuber, and Mazalli

Claims 14, 25 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of the technical paper, “Optical PPM generator by direct-frequency shifting” (Mazzali). Claim 14 depends from independent claim 1, claim 25 depends from independent claim 18, and claim 41 depends from independent claim 27. The inventions of claims 14, 25, and 41 are nonobvious in consideration of Chiu in view of Nuber in that the combination of Chiu and Nuber does not disclose all of the aspects of claims 1, 18, and 27, as described above. In addition, Mazzali does not disclose a system or method in which data and synchronization information are passed from source devices to a destination device in separate frequency bands. As a result, the combination of these three references (Chiu, Nuber and Mazzali) does not teach a system or method in which (i) a plurality of data is transmitted in a first frequency band from a first source device, and (ii) a plurality of

synchronization pulses is transmitted in a second frequency band from a second source device, wherein the second frequency band is substantially different from the first frequency band.

Because the combination of the Chiu, Nuber, and Mazzali references does not teach or suggest all of the limitations of claim 14, 25, or 41, a *prima facie* case of obviousness is not established. As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejections of claims 14, 25, 41 as they pertain to Chiu in combination of Nuber and in further view of Mazzali.

10. Response to the 35 U.S.C. § 103(a) Claim Rejections Regarding Chiu, Nuber, and Kubista

Claims 50-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiu in combination with Nuber, and in further view of Kubista. Applicant has amended independent claim 50.

Independent claim 50 has been amended to include the recitation “wherein said second frequency band is substantially different from said first frequency band.” Therefore, in claim 50 the plurality of data (which is transmitted using the first frequency band) and the synchronization information (which is transmitted using the second frequency band) are passed in to the destination device in separate frequency bands.

As discussed in the response to the 35 U.S.C. § 103(a) rejections of claims 1, 18, and 27, above, in the system disclosed by Chiu and Nuber, the data and synchronization information are transmitted using the same first frequency band, an aspect that runs *contrary* to the use of separate frequency bands in the invention of claim 50. In addition, Kubista does not disclose a

system or method in which data and synchronization information are passed from source devices to a destination device in separate frequency bands. As a result, the combination of these three references (Chiu, Nuber and Kubista) does not teach a system or method in which (i) a plurality of data is transmitted in a first frequency band from a first source device, and (ii) a plurality of synchronization pulses is transmitted in a second frequency band from a second source device, wherein the second frequency band is substantially different from the first frequency band.

Because the combination of the Chiu, Nuber, and Kubista references does not teach or suggest all of the limitations of claim 50 a *prima facie* case of obviousness is not established. As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejection of claim 50 as it pertains to Chiu in combination of Nuber and in further view of Kubista.

Claims 51-54 depend from independent claim 50, which is shown above to be nonobvious with respect to Chiu in combination with Nuber and in further view of Kubista. Therefore, Applicant submits that the inventions of claims 51-54 are also nonobvious in consideration of Chiu in view of Nuber. (MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). As a result, Applicant respectfully requests the withdrawal the 35 U.S.C. § 103(a) rejections of claims 51-54 as they pertain to Chiu in view of Nuber and in further view of Kubista.

11. Response to the Claim Objections of Sections 13 and 14

Claims 16 and 43 were objected to as being dependent upon rejected base claims. In light of the above amendments and remarks, Applicant respectfully submits that the base claims from which claims 16 and 43 depend, specifically claims 1 and 27, respectively, are now in a condition

for allowance. As a result, Applicant respectfully requests that the objections to claims 16 and 43 be withdrawn. Furthermore, Applicant respectfully requests that the limitation imposed on claims 16 and 43 by the Examiner's statement of reasons for the indication of allowable subject matter also be withdrawn.

Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims of the present application are currently in condition for allowance. Consequently, Applicant submits that the entire present application is currently in condition for allowance and respectfully requests notice to that effect. The Examiner is respectfully requested to contact Applicant's representative below at (312) 913-3302 if any questions arise or if he may be of assistance to the Examiner.

Respectfully Submitted,

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